

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 601 of 2000

in

SPECIAL CIVIL APPLICATION No 8844 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

and

Hon'ble MR.JUSTICE R.R.TRIPATHI

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

INDIAN OIL CORPORATION LIMITED

Versus

PREMILABEN RAVJIBHAI PATEL

Appearance:

Ms.M.A.Shah for MR GN SHAH for Appellant
Mr.K.S.Zaveri for respondent No.1
Respondent Nos.2, 2/1 to 2/3 are proforma
respondents.

CORAM : MR.JUSTICE M.R.CALLA

and

MR.JUSTICE R.R.TRIPATHI

Date of decision: 27/09/2000

ORAL JUDGEMENT(Per M.R.Calla,J)

Admit. Mr.K.S.Zaveri waives service on behalf of respondent No.1. It is not necessary to serve the proforma respondents Nos.2, 2/1 to 2/3, whose interests are not adverse to that of the appellant. The matter was taken up for final hearing right today on the request of both the sides.

In the facts and circumstances of this case we find that the direction, which has been given in para 7 of the order to issue letter of intent to the petitioner deserves to be modified to the extent that it has to be a direction for consideration of their cases for issue of the letter of intent and in case as a result of such consideration, it is decided that the letter of intent is not to be issued to the petitioner, the Corporation may record reasons for it. Accordingly the direction, as was given in para 7 of the impugned order, is modified so as to be a direction for consideration and para 7 and further operative part of the impugned order is to be read accordingly as under:-

"7. In view of the above discussion, the petition is allowed. The respondents are directed to consider the question of issue of letter of intent to the petitioner on the basis of merit list prepared by the OSB on the basis of interviews held on 19.3.96 in accordance with the rules and regulations and in case the Corporation decides to rely upon the letters dated 8.4.96 and 12.6.99 of the Government of India discussed in the order, they may also record reasons for relying on these letters. While recording reasons it will be open for the Corporation to say that any order they may pass will be subject to the final orders which may be passed by the Supreme Court in case any litigation in like matter is pending.

This direction shall be complied with within one month from the date of receipt of the writ of this court or a certified copy of this judgment, whichever is earlier. Rule is made absolute accordingly. There shall be no order as to costs."

This Letters Patent Appeal is partly allowed as above.

Dt:27.9.2000 (M.R.Calla,J)

(R.R.Tripathi,J)